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22 LOUIS J. VELA

23 UNITED STATES DISTRICT COURT
24 NORTHERN DISTRICT OF CALIFORNIA

25 LOUIS J. VELA,

26 Plaintiff,

27 v.

28 AT&T UMBRELLA BENEFIT PLAN NO. 1,

Defendant.

Case No.: CV 08 1575 MMC

**STIPULATION AND [PROPOSED]
ORDER VACATING ALL COURT DATES**

Complaint filed: March 21, 2008
First Am. Complaint filed: May 14, 2008
Second Am. Complaint filed: Oct. 9, 2008

1 Plaintiff Louis Vela ("Plaintiff") and Defendant AT&T Umbrella Benefit Plan No. 1
2 ("Defendant") (collectively the "Parties"), by and through their respective counsel of record,
3 hereby stipulate as follows:

4
5 WHEREAS, on February 7, 2012 the Parties reached a settlement of this case
6 and are in the process of finalizing that settlement prior to requesting the Court to dismiss this
7 case in its entirety;

8
9 WHEREAS, the Parties anticipate that the settlement will be finalized and the
10 case dismissed within 21 days of the date of this Stipulation and the Parties agree that the
11 deadlines associated with the Parties' Cross-Motions for Summary Judgment as well as the
12 upcoming case management conference should be vacated in light of this development;

13
14 WHEREAS, the following dates are currently on the Court's calendar: February
15 28, 2012 (the Parties' deadline to re-notice their respective Motions for Summary Judgment
16 and for filing Further Briefing in support of those motions); March 16, 2012 (the Parties'
17 deadline to file their respective Responses to such Further Briefing); and June 1, 2012 at
18 10:30 a.m. (the Court's Continued Case Management Conference in this case) (collectively
19 the "pending Court dates").

20
21 NOW, THEREFORE,

22
23 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff and
24 Defendant, by and through their respective undersigned attorneys of record, to request that
25 the Court vacate the pending Court dates in this case, as set forth above. The Parties further
26 stipulate and request that the Court retain jurisdiction of this matter until the settlement is

1 finalized and the case is dismissed by the Plaintiff. The Parties anticipate that the settlement
2 will be finalized and the case dismissed within 21 days of the filing of this Stipulation.

3 Good cause exists for vacating the existing dates in this case, as set forth
4 above.

5 **IT IS SO STIPULATED.**

7 Dated: February 10, 2012

GOLDSTEIN, GELLMAN, MELBOSTAD,
HARRIS & MCSPARRAN, LLP

9 By: /s/

10 Lee S. Harris
11 Attorneys for Plaintiff
12 LOUIS J. VELA

13 Dated: February 10, 2012

MILLER LAW GROUP
A Professional Corporation

15 By: /s/

16 Katherine L. Kettler
17 Attorneys for Defendant
18 AT&T UMBRELLA BENEFIT PLAN NO. 1

19 **ORDER**

20 Having reviewed the Parties' Stipulation, and good cause appearing, the Court
21 hereby orders that all pending Court dates in this case are VACATED. The Court shall retain
22 jurisdiction of this case pending the filing of a dismissal of the case. If Plaintiff has not dismissed
23 the action within 21 days of this Order, the parties shall submit, no later than March 9, 2012, a joint
24 statement advising the Court as to the status of the settlement.

25 **IT IS SO ORDERED.**

26 Dated: February 10, 2012

27 
HONORABLE MAXINE M. CHESNEY